

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY Kice  
DEPUTY

WICKFIRE, LLC,

Plaintiff,

-vs-

Case No. A-14-CA-34-SS

TRIMAX MEDIA, INC., LAURA WOODRUFF,  
WREI, INC., JOSH WEST, and one or more John  
Does,

Defendants.

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O R D E R

BE IT REMEMBERED on this day the Court held a hearing in the above-styled cause, and the parties appeared by and through counsel. Before the Court is the New Defendants' Motion to Dismiss [#62], Plaintiff WickFire's Response [#68] thereto, the New Defendants' Response to Motion for Leave to Amend [#71],<sup>1</sup> and the New Defendants' Corrected Reply [#72]. The Court now enters the following orders confirming its oral pronouncements:

IT IS ORDERED that Plaintiff WickFire, LLC shall file, within fourteen (14) days from date of entry of this Order, an amended complaint satisfying the standards set forth by the Supreme Court in *Bell Atlantic Corporation v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); and

IT IS FINALLY ORDERED that the New Defendants' Motion to Dismiss [#62] is GRANTED IN PART and DENIED IN PART as described in this Order.

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<sup>1</sup> In its Response to the motion to dismiss, WickFire requested, in the alternative, it be given an opportunity to amend its complaint. Pl.'s Resp. [#68] at 17–18. The New Defendants' Response to Motion for Leave to Amend is in response to WickFire's request in the alternative, not to a separate motion for leave to amend.

SIGNED this the 29<sup>th</sup> day of January 2015.

  
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SAM SPARKS  
UNITED STATES DISTRICT JUDGE